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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/388,726	09/02/1999	DR. HOWARD AN	OSTEONICS3.0	4364

530 7590 05/12/2003

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EXAMINER

PELLEGRINO, BRIAN E

ART UNIT	PAPER NUMBER
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3738

DATE MAILED: 05/12/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

09/388,726

Applicant(s)

AN ET AL.

Examiner

Brian E Pellegrino

Art Unit

3738

All participants (applicant, applicant's representative, PTO personnel):

(1) Brian E Pellegrino.

(3) _____.

(2) Konstantin Caploon.

(4) _____.

Date of Interview: 09 May 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 14, 19, 20, 25, 27, and 41.

Identification of prior art discussed: Wood (5429447), Moskovich (5431658), Schar (WO 98/46173), Wu (4553273).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Brian Pellegrino
Examiner's signature if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

- Discussed the 112 2nd paragraph indefinite rejection of claims 19, 20 and that at least claim 20 needed to be amended to clarify any confusion of the claimed surfaces.
- Discussed the rejection of claim 25 over Schar in view of Wu and that the prior art does read on the claim because there is no distinction as to the structure of the surfaces which are different, thus Wu is properly applied.
- Discussed the Wood patent and that it reads on at least claims 41 and 2. Applicant proposed amending language to define the first and second members are engageable to spinal vertebrae to further limit the preamble. It was also suggested that the locking clip is disengaged from the second member.
- Discussed the Moskovich patent and that it reads on at least claim 41. Applicant proposed amending the claim with the recitation that the locking clip permits the surgeon to insert the members in a controllable axial direction. Further review was required as to whether these proposed amendments define over the prior art..